

111TH CONGRESS
2^D SESSION

S. 3481

AN ACT

To amend the Federal Water Pollution Control Act to clarify
Federal responsibility for stormwater pollution.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. FEDERAL RESPONSIBILITY TO PAY FOR**
2 **STORMWATER PROGRAMS.**

3 Section 313 of the Federal Water Pollution Control
4 Act (33 U.S.C. 1323) is amended by adding at the end
5 the following:

6 “(c) REASONABLE SERVICE CHARGES.—

7 “(1) IN GENERAL.—For the purposes of this
8 Act, reasonable service charges described in sub-
9 section (a) include any reasonable nondiscriminatory
10 fee, charge, or assessment that is—

11 “(A) based on some fair approximation of
12 the proportionate contribution of the property
13 or facility to stormwater pollution (in terms of
14 quantities of pollutants, or volume or rate of
15 stormwater discharge or runoff from the prop-
16 erty or facility); and

17 “(B) used to pay or reimburse the costs
18 associated with any stormwater management
19 program (whether associated with a separate
20 storm sewer system or a sewer system that
21 manages a combination of stormwater and sani-
22 tary waste), including the full range of pro-
23 grammatic and structural costs attributable to
24 collecting stormwater, reducing pollutants in
25 stormwater, and reducing the volume and rate
26 of stormwater discharge, regardless of whether

1 that reasonable fee, charge, or assessment is de-
 2 nominated a tax.

3 “(2) LIMITATION ON ACCOUNTS.—

4 “(A) LIMITATION.—The payment or reim-
 5 bursement of any fee, charge, or assessment de-
 6 scribed in paragraph (1) shall not be made
 7 using funds from any permanent authorization
 8 account in the Treasury.

9 “(B) REIMBURSEMENT OR PAYMENT OBLI-
 10 GATION OF FEDERAL GOVERNMENT.—Each de-
 11 partment, agency, or instrumentality of the ex-
 12 ecutive, legislative, and judicial branches of the
 13 Federal Government, as described in subsection
 14 (a), shall not be obligated to pay or reimburse
 15 any fee, charge, or assessment described in
 16 paragraph (1), except to the extent and in an
 17 amount provided in advance by any appropria-
 18 tions Act to pay or reimburse the fee, charge,
 19 or assessment.”.

Passed the Senate December 21, 2010.

Attest:

Secretary.

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